



NEWS RELEASE

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 23, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-131 Babcock v. ITT Residential Capital Corp., S080194. (D027378.)

Unpublished opinion. Petition for review after the Court of Appeal reversed an order in a civil action denying class certification and remanded for further proceedings. This case presents issues concerning (1) the propriety of certification of a nationwide class where the mortgage contract of each member of the class contains a choice-of-law clause mandating the application of the law of the state where the property is located, and (2) which party has the burden of proof whether the application of the laws of the different states would produce different results when class certification is opposed because of such choice-of-law clauses, which are related to issues before the court in Washington Mutual Bank v. Superior Court, S070418. (See #99-68.)

#99-132 People v. Davis, S079736. (E021991; 71 Cal.App.4th 1492.)

Petition for review after the Court of Appeal modified the sentence and otherwise

(over)

affirmed a judgment of conviction of a criminal offense. This case includes issues concerning the admission of evidence of prior sex offenses to show propensity and the interplay between the three strikes law and felony sex offense sentencing under Penal Code section 667.61, which are related to issues before the court in People v. Falsetta, S071521 (see #98-107), and People v. Murphy, S075263 (see #99-28), respectively.

#99-133 People v. Jennings, S079992. (H017202.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents issues, concerning whether admission of accomplices' statements as declarations against interest violated the confrontation clause, which are related to issues before the court in People v. Duarte, S068162. (See #98-45.)

#99-134 People v. Journigan, S080157. (B122811.) Unpublished opinion. Petition for review after the Court of Appeal modified in part, reversed in part, and affirmed in part a judgment of conviction of criminal offenses. This case presents an issue, concerning the effect of a jury's failure to articulate a finding of degree as to a crime tried solely on theories making it first degree as a matter of law, which is related to an issue before the court in People v. Mendoza, S067104. (See #98-38.)

DISPOSITIONS

#98-147 People v. Brewer, S072748, was transferred to the Court of Appeal for reconsideration in light of People v. Garcia, 20 Cal.4th 490.

97-144 Walker v. 20th Century Ins. Co., S063473, was dismissed and remanded to the Court of Appeal.